

ATTACHMENT 9

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CISCO SYSTEMS, INC. Case No.: 5:14-cv-05344-BLF (PSG)

Plaintiff,

v.

ARISTA NETWORKS, INC.

Defendants.

* HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY *

VIDEOTAPED DEPOSITION OF PHILLIP REMAKER

30(b)(6) FOR CISCO SYSTEMS, INC.

Palo Alto, California

Thursday, March 31, 2016

Volume 1

Reported by:

LESLIE JOHNSON

RPR, CSR No. 11451

Job No.: 2281749

PAGES 1 - 216

Page 1

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1 UNITED STATES DISTRICT COURT	1 I N D E X
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA	2
3 SAN JOSE DIVISION	3 WITNESS EXAMINATION
4	4 PHILLIP REMAKER
5 CISCO SYSTEMS, INC. Case No.: 5:14-cv-05344-BLF(PSG)	5 30(b)(6) for CISCO SYSTEMS
6 Plaintiff,	6 Volume 1
7 v.	6 BY MR. WONG 8
8 ARISTA NETWORKS, INC.	7 BY MR. NEUKOM 212
9 Defendants.	8
10	9 EXHIBITS
11	10 PHILLIP REMAKER, 30(b)(6)
12	11 NUMBER DESCRIPTION PAGE
13	12 Exhibit 429 Defendant Arista Network, Inc.'s 9
14 * HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY *	13 Notice of 30(b)(6) Deposition of
15	13 Plaintiff Cisco Systems, Inc.;
16	14 33 pages
17 VIDEOTAPED DEPOSITION OF PHILLIP REMAKER, Volume 1,	14 Exhibit 430 Amended Exhibit F Document Index; 11
18 taken on behalf of Defendant, at 601 California Avenue,	15 40 pages
19 Palo Alto, California, beginning at 9:30 a.m. and ending	16 Exhibit 431 Amended Exhibit F; 44 pages 14
20 at 4:14 p.m., on Thursday, March 31, 2016, before	17 Exhibit 432 Binder labeled "Bates Does Cited 15
21 LESLIE JOHNSON, Certified Shorthand Reporter No. 11451.	18 in Cisco Rog Exhibit F," Volume 1
22	19 of 2
23	19 Exhibit 433 Binder labeled "Bates Does Cited 15
24	20 in Cisco Rog Exhibit F," Volume 2
25	21 of 2
Page 2	21 Exhibit 434 Binder labeled "Source Code Cited 15
	22 in Cisco Rog Exhibit F," Volume 1
	23 of 2
	23 Exhibit 435 Binder labeled "Source Code Cited 15
	24 in Cisco Rog Exhibit F," Volume 2
	25 of 2
	25
1 APPEARANCES:	1 EXHIBITS (Cont.)
2	2 PHILLIP REMAKER, 30(b)(6)
3 FOR PLAINTIFF CISCO SYSTEMS, INC.:	3 NUMBER DESCRIPTION PAGE
4 QUINN EMANUEL URQUHART & SULLIVAN LLP	4 Exhibit 436 E-mail dated 1/12/99 from Phillip 40
5 BY: JOHN (JAY) NEUKOM, ESQ.	5 Remaker to Carl Schaefer, et al.;
6 50 California Street, 22nd Floor	6 Bates stamped CSI-CLI-00794351 to 95
7 San Francisco, California 94111	6 Exhibit 437 E-mail dated 6/7/2003 from Shaubin 80
8 (415)875-6600	7 Xie; Bates stamped CSI-CLI-00783473
9 johnneukom@quinnemanuel.com	8 to 81
10 FOR DEFENDANT ARISTA NETWORKS, INC.:	8 Exhibit 438 Parser-Police Manifesto, version 6; 82
11 KEKER & VAN NEST LLP	9 10 pages
12 BY: RYAN WONG, ESQ.	9 Exhibit 439 CLI Design and Review Guide; Bates 85
13 633 Battery Street	10 stamped CSI-CLI-02824651 to 719
14 San Francisco, California 94111	11 Exhibit 440 E-mail thread, top e-mail dated 87
15 (415)391-5400	12 7/8/2005, from Jain Dhanendra; Bates
16 rwong@kvn.com	12 stamped CSI-CLI-00807444 to 68
17 ALSO PRESENT:	13 Exhibit 441 Interrogatory No. 2 First Supplemental 98
18 SEAN GRANT, Videographer	14 Response - Exhibit C; 3 pages
19	14 Exhibit 442 Document entitled "Show Inventory 104
20	15 Command"; Bates stamped CSI-CLI-610102
21	16 to 610105
22	16 Exhibit 443 E-mail dated 12/6/2002 from Eric 114
23	17 Osborne; Bates stamped CSI-CLI-777457
24	18 to 459
25	18 Exhibit 444 Interrogatory No. 2 First Supplemental 122
	19 Response - Exhibit B; 102 pages
	20 Exhibit 445 E-mail dated 25 June 2002 from Ilse 151
	21 Van Hoeck; Bates stamped
	21 CSI-CLI-00608702 to 703
	22 Exhibit 446 E-mail dated 17 May 1999 from Liming 159
	23 Wei; Bates stamped CSI-CLI-60866
	24
	25
Page 3	Page 5

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<p>1 EXHIBITS (Cont.)</p> <p>2 PHILLIP REMAKER, 30(b)(6)</p> <p>3 NUMBER DESCRIPTION PAGE</p> <p>4 Exhibit 447 Plaintiff Cisco Systems, Inc.'s Seventh 164 Supplemental Objections and Responses 5 to Defendant Arista Network, Inc.'s Second Set of Interrogatories 6 (No. 16); 50 pages</p> <p>7 Exhibit 448 Plaintiff Cisco System, Inc.'s Fourth 167 Supplemental Objections and Responses 8 to Defendant Arista Network, Inc.'s First Set of Interrogatories (2 and 5); 9 44 pages</p> <p>10 Exhibit 449 Cisco's Response to Arista's 182 Interrogatory No. 16 Amended Exhibit 11 D1 (IOS Release 11.0); 28 pages</p> <p>12 Exhibit 450 Exhibit E Exemplary Copying of Command 201 Responses; 27 pages</p> <p>13 Exhibit 451 Writing Command Line Interfaces (CLI) 204 14 and CLI Output; Bates stamped CSI-CLI-02607986 to 8010</p> <p>15 * * *</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 6</p>	<p>1 plaintiff.</p> <p>2 THE VIDEOGRAPHER: Thank you. Will the</p> <p>3 certified court reporter please swear in the</p> <p>4 witness.</p> <p>5</p> <p>6 PHILLIP REMAKER,</p> <p>7 having been first duly sworn, was examined</p> <p>8 and testified as follows:</p> <p>9</p> <p>10 EXAMINATION</p> <p>11 BY MR. WONG:</p> <p>12 Q. Good morning, Mr. Remaker.</p> <p>13 A. Good morning.</p> <p>14 Q. Do you understand that you are testifying</p> <p>15 under oath?</p> <p>16 A. I understand.</p> <p>17 Q. Okay. And I know we took your personal</p> <p>18 deposition yesterday. Do you understand that the</p> <p>19 general rules for conducting a deposition are also</p> <p>20 applicable today?</p> <p>21 A. Yes.</p> <p>22 Q. Do you understand that you have been</p> <p>23 designated by Plaintiff Cisco to provide corporate</p> <p>24 testimony under Rule 30(b)(6) today?</p> <p>25 A. Yes.</p> <p style="text-align: right;">Page 8</p>
<p>1 Palo Alto, California, Thursday, March 31, 2016</p> <p>2 9:30 a.m.</p> <p>3</p> <p>4 THE VIDEOGRAPHER: Good morning. We're on</p> <p>5 the record. The time is 9:30 a.m. and the date is</p> <p>6 March 31st, 2016. This begins the videotaped</p> <p>7 deposition of Cisco Systems, Inc. pursuant to Rule</p> <p>8 30(b)(6). My name is Sean Grant, here with our</p> <p>9 court reporter, Leslie Johnson. We're here from</p> <p>10 Veritext Legal Solutions at the request of counsel</p> <p>11 for Defendant. This deposition is being held at</p> <p>12 Wilson Sonsini in Palo Alto, California.</p> <p>13 The caption of this case is Cisco Systems</p> <p>14 Inc. versus Arista Networks, Inc., Case No.</p> <p>15 5:14-cv-05344-BLF.</p> <p>16 Please note that audio and video recording</p> <p>17 will take place unless all parties have agreed to go</p> <p>18 off the record. Microphones are sensitive and may</p> <p>19 pick up whispers, private conversations or cellular</p> <p>20 interference.</p> <p>21 At this time, will counsel please identify</p> <p>22 themselves and state whom they represent.</p> <p>23 MR. WONG: Ryan Wong from Keker & Van Nest</p> <p>24 for Defendant Arista Networks.</p> <p>25 MR. NEUKOM: John Neukom for the</p> <p style="text-align: right;">Page 7</p>	<p>1 (Exhibit 429 marked for identification.)</p> <p>2 MR. WONG: Let's mark this as the first</p> <p>3 deposition exhibit. I believe we are on 429.</p> <p>4 THE REPORTER: Correct.</p> <p>5 BY MR. WONG:</p> <p>6 Q. The court reporter has marked Exhibit 429,</p> <p>7 a document that on its face says "Defendant Arista</p> <p>8 Network, Inc.'s Notice of Rule 30(b)(6) Deposition</p> <p>9 of Plaintiff Cisco Systems, Inc."</p> <p>10 Mr. Remaker, do you recognize the document</p> <p>11 marked as Exhibit 429?</p> <p>12 MR. NEUKOM: It might help you to turn to</p> <p>13 page 23.</p> <p>14 MR. WONG: Thank you, Counsel.</p> <p>15 MR. NEUKOM: Start with paragraph 78.</p> <p>16 THE WITNESS: Yes, I recognize this</p> <p>17 document.</p> <p>18 BY MR. WONG:</p> <p>19 Q. Do you understand that you have been</p> <p>20 designated by Cisco to provide corporate testimony</p> <p>21 for topic No. 78 that appears on page 23 of</p> <p>22 Exhibit 429?</p> <p>23 A. Yes.</p> <p>24 Q. Do you understand that you've been</p> <p>25 designated by Cisco to provide corporate testimony</p> <p style="text-align: right;">Page 9</p>

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<p>1 BY MR. WONG: 2 Q. The first bullet point under "Submission" 3 on the first page of 436, Exhibit 436? 4 A. Uh-huh. 5 Q. It says, "The submitter should send the 6 proposed syntax before writing any code to prevent 7 rewrites for syntax changes." 8 Do you see that? 9 A. Yes. 10 Q. Did I read that correctly? 11 A. Yes. 12 Q. Why is it important for a submitter of the 13 Parser Police to send a proposed command syntax 14 before writing any code? 15 A. If the Parser Police suggests changes, it 16 would require additional work for the developer, if 17 they had already written code to implement the 18 command that the Parser Police lodged an objection 19 to. 20 Q. So you don't need to write any source code 21 to come up with a proposed syntax for a new CLI 22 command, correct? 23 A. You do not need to write any source code 24 to propose a command. 25 Q. And in fact, the Parser-Police Manifesto</p> <p style="text-align: right;">Page 50</p>	<p>1 A. Yes. 2 Q. Okay. Can you read the -- I guess it's 3 two sentences, after that No. 1. 4 A. "Think extensible. If you add a command, 5 try to envision if more similar commands that may be 6 added and structure the parse tree not to have dead 7 ends." 8 Q. What do you mean -- strike that. 9 What does Exhibit 436 mean when it says 10 "think extensible"? 11 MR. NEUKOM: Objection. The document 12 speaks for itself. 13 And also, Mr. Remaker, before you answer 14 the question. 15 Given the particular document now being 16 discussed at this time, on behalf of Cisco, I'd like 17 to mark this transcript and the video of the 18 deposition as "Highly Confidential - Attorneys' Eyes 19 Only." And I ask Madam Court Reporter and the 20 videographer to please mark all copies of the 21 deposition accordingly. 22 BY MR. WONG: 23 Q. Let me ask the first question again. 24 On page 2 of the Parser-Police Manifesto 25 marked as Exhibit 436, what does the Parser-Police</p> <p style="text-align: right;">Page 52</p>
<p>1 marked as Exhibit 436 suggests that any proposed 2 syntax for a new CLI command be sent to the Parser 3 Police before any code is written for that command, 4 correct? 5 A. Correct. 6 Q. Is there a -- strike that. 7 Are there any rules at Cisco that require 8 command -- new command syntaxes to be proposed to 9 the Parser Police before source code is written? 10 MR. NEUKOM: Objection. Vague. Compound. 11 THE WITNESS: I don't know if there are 12 any -- 13 MR. NEUKOM: And off topic. 14 THE WITNESS: I don't know if there are 15 any rules like that. 16 BY MR. WONG: 17 Q. Could you turn to page, Mr. Remaker, to 18 the page where at the bottom the control number ends 19 in 392. The second page of the document. 20 On the second page of Exhibit 436, at the 21 bottom it says "Syntax design guidelines." 22 Do you see that? 23 A. Yes. 24 Q. And there is a No. 1 right below that. 25 Do you see that?</p> <p style="text-align: right;">Page 51</p>	<p>1 Manifesto mean when it says "think extensible"? 2 MR. NEUKOM: Objection. The document 3 speaks for itself. 4 THE WITNESS: It means, when adding a 5 command, envision a future where similar commands 6 might happen, might be added, and design 7 accordingly. 8 BY MR. WONG: 9 Q. Why is extensibility important to creating 10 a new CLI command in the Cisco IOS? 11 MR. NEUKOM: Objection. The document 12 speaks for itself. 13 THE WITNESS: The question was why? 14 BY MR. WONG: 15 Q. The question is why is extensibility 16 important to creating a new CLI command in Cisco 17 IOS? 18 MR. NEUKOM: Same objection. 19 THE WITNESS: We believe that the 20 hierarchy improves the consistency, usability and 21 friendliness of the CLI. 22 BY MR. WONG: 23 Q. What does -- strike that. 24 What do you mean by "the hierarchy" in 25 your response?</p> <p style="text-align: right;">Page 53</p>

<p>1 A. The hierarchy is the aesthetic of 2 collecting similar commands together. 3 Q. Is that the end of your response? 4 A. Yes. 5 Q. Have you ever used the word "aesthetic" to 6 describe the hierarchy before this litigation? 7 A. I don't know. 8 Q. What do you mean by the aesthetic of 9 collecting similar commands together? 10 A. It involves the judgment exercised in 11 placing similar commands together in a compact 12 hierarchy that would be found valuable by customers. 13 Q. What does a hierarchy have to do with 14 extensibility of the CLI? 15 MR. NEUKOM: Objection. Off topic. 16 THE WITNESS: The hierarchy keeps similar 17 and related commands together with each other. 18 BY MR. WONG: 19 Q. How does the hierarchy keep similar and 20 related commands together with each other? 21 MR. NEUKOM: Objection. Vague. Compound. 22 Hypothetical. And off topic. 23 THE WITNESS: For example, in a hierarchy, 24 the command line help function will direct customers 25 to the related commands to the tasks they're trying</p> <p style="text-align: right;">Page 54</p>	<p>1 A. Yes. 2 Q. What is it -- what does the document mean 3 by "dead end"? And it says "dead end" in quotes 4 here, so I'm trying to understand what the 5 Exhibit 436 means at the bottom of page 2 when it 6 refers to, quote-unquote, "dead ends." 7 A. If you look at the example immediately 8 following it, the "dnsix-dmdp" command could not 9 logically add any additional "dnsix" commands after 10 it. By making "dnsix" a node in a hierarchy instead 11 of making it a final word with the dash, "dnsix" 12 allows extensibility and additional "dnsix"-related 13 commands, instead of precluding them by using 14 "dnsix" as part of a hyphenated word. 15 Q. Okay. So the example provided underneath 16 the "think extensible" section of Exhibit 436 17 illustrates what the document means by "dead end"? 18 A. Yes. 19 Q. On the third page of Exhibit 436, 20 Mr. Remaker, at the top of the page, do you see a 21 number 2? 22 A. Can you tell me the Bates document number, 23 please? 24 Q. Sure. It's the page ending in 393. 25 A. Yes.</p> <p style="text-align: right;">Page 56</p>
<p>1 to accomplish instead of having to wade through 2 unrelated commands. 3 BY MR. WONG: 4 Q. What other function does the hierarchy 5 perform? 6 A. The hierarchy can organize commands in a 7 configuration in a way that is easy to read and 8 understand. 9 Q. Can you have an extensible CLI without 10 using a hierarchy? 11 MR. NEUKOM: Objection. Vague. Calls for 12 opinion testimony. Off topic. 13 THE WITNESS: I don't know. 14 BY MR. WONG: 15 Q. What does it mean to structure the parse 16 tree not to have dead ends, as stated on page 2 of 17 Exhibit 436? 18 MR. NEUKOM: Objection. The document 19 speaks for itself. 20 THE WITNESS: It means that when 21 exercising judgment in the choice of words in a 22 command, don't make it illogical to add additional 23 words to the command. 24 BY MR. WONG: 25 Q. Is that the end of your response?</p> <p style="text-align: right;">Page 55</p>	<p>1 Q. Can you read the last sentence in the 2 paragraph that starts with the number 2? 3 A. "All multi-hyphen commands should be 4 analyzed to see if they can be split into a more 5 extensible parse chain." 6 Q. What does that mean? 7 MR. NEUKOM: Objection. Misstates 8 document. Dash. 9 THE WITNESS: Immediately following that 10 sentence, in the same document, is an example where 11 the "debug isdn" command is illustrated, where two 12 different commands, "isdn-q931" and "isdn-q921," are 13 represented as two individual hyphenated commands, 14 and the analysis of the commands should indicate to 15 somebody familiar with the parser that they can 16 break it out into two individual elements at the end 17 of a hierarchy. 18 BY MR. WONG: 19 Q. What impact does that have to a user of 20 the command-line interface? 21 A. In this particular instance, it makes it 22 easier to use the help function to find relevant 23 "isdn" debugging commands without having to wade 24 through other irrelevant commands not related to the 25 "isdn" hierarchy.</p> <p style="text-align: right;">Page 57</p>

<p>1 prepared and given information basically falling 2 within the topics. And so today you're designated 3 as Cisco's 30(b)(6) witness, subject to objections, 4 for topics 78 through 83. 5 So my question to you is, of course, in 6 your capacity as a corporate witness. 7 So I'll ask the question again. 8 As Cisco's corporate witness today, can 9 you tell me anything about the thought process that 10 Mr. Carrel followed when coming up with any of the 11 commands associated with him listed in Exhibit 431? 12 MR. NEUKOM: Objection. Vague and 13 compound. And to be clear, Mr. Remaker, when 14 Mr. Wong very graciously noted that you're being put 15 up not just for topics, but you're being put up for 16 certain topics subject to Cisco's objections, one or 17 more of those objections go to the reasonableness or 18 lack thereof of canvassing or investing in one 19 witness individual thought processes for 500 or so 20 historically created command lines. But you should 21 absolutely answer the question to the best of your 22 ability. 23 THE WITNESS: I don't know what David 24 Carrel's thought process was. 25 ////</p> <p style="text-align: right;">Page 130</p>	<p>1 regarding the sources he may have considered when 2 coming up with any of the commands associated with 3 him in Exhibit 431? 4 A. It is possible that I had discussions with 5 Dino about his choice of command words in some of 6 his choices. 7 Q. But you have -- you did not see any 8 commands by Mr. Farinacci in Exhibit 431 where you 9 can comment today on his thought process behind his 10 creation of those commands, correct? 11 A. Not from memory, no. 12 Q. From any other source besides memory, are 13 you able to do that? 14 A. None that I'm aware of. 15 Q. Do you know one way or the other whether 16 Mr. Farinacci copied any aspect of the commands 17 associated with him in Exhibit 431 when he added 18 those commands to the Cisco CLI? 19 A. A lot of these commands are over 20 years 20 old. I don't have any memory of that. 21 Q. Do you know the thought process that Pedro 22 Marques -- that's P-E-D-R-O, M-A-R-Q-U-E-S -- 23 followed when he came up with any of the commands 24 associated with him in Exhibit F? 25 A. Do you have any specific commands in mind?</p> <p style="text-align: right;">Page 132</p>
<p>1 BY MR. WONG: 2 Q. Do you know what Mr. Vowles' thought 3 process was behind the creation of any of his 4 commands that are listed in Exhibit 431? 5 A. I do not. 6 Q. Do you know what thought process that Dino 7 Farinacci followed when he came up with any of the 8 commands associated with him in Exhibit 431? 9 MR. NEUKOM: Objection. Vague and 10 compound. And Mr. Remaker, when you're being asked 11 about a question which covers, for example, all 12 commands associated with an individual's name, I 13 know that Mr. Wong would want you to feel free to 14 look through whatever portions of this exhibit he 15 has before you to make sure that you understand the 16 scope of questions that he's putting to you. 17 MR. WONG: While Mr. Remaker is looking at 18 Exhibit 431, Court Reporter, the spelling of 19 Mr. Farinacci's name is D-I-N-O, space, 20 F-A-R-I-N-A-C-C-I. 21 THE WITNESS: I do not see any commands by 22 Dino Farinacci where I can comment on his thought 23 process. 24 BY MR. WONG: 25 Q. Did you speak at all with Mr. Farinacci</p> <p style="text-align: right;">Page 131</p>	<p>1 Q. Sure. The first command that appears for 2 Mr. Marques is "clear ipv6 neighbors," which appears 3 on page 5 of Exhibit 431. 4 A. I do not know his thought process in 5 coming up with that. 6 Q. Can you take a moment, please, and find 7 the other commands associated with Mr. Marques in 8 Exhibit 431, and let me know if you know the thought 9 process that Mr. Marques followed when he came up 10 with any of those commands? 11 MR. NEUKOM: Objection. Vague and 12 compound. Off topic. And I will think it's clear, 13 but in case it's not, take a standing objection to 14 any and all questions on the thought processes of 15 individual originators or engineers at Cisco. It is 16 unreasonable. It is unduly burdensome. And it is 17 not within the scope of a reasonable preparation of 18 a witness. And I respectfully think that counsel 19 knows that and is asking questions intended to put 20 the witness on a fool's errand. 21 That said, Mr. Remaker, to the extent you 22 can answer the question as posed to you, however 23 compound it is, you should please, please do that. 24 THE WITNESS: I don't recognize any 25 commands where I can speak to Pedro Marques's</p> <p style="text-align: right;">Page 133</p>

<p>1 thought process.</p> <p>2 BY MR. WONG:</p> <p>3 Q. Do you know one way or the other whether</p> <p>4 Mr. Marques copied any aspect of the CLI command</p> <p>5 associated with him in Exhibit 431, when he added</p> <p>6 those commands to the Cisco CLI?</p> <p>7 A. I do not know.</p> <p>8 Q. And maybe this would be a way to</p> <p>9 short-circuit this, Mr. Remaker. Can you look</p> <p>10 through Exhibit 431 and tell me if there are any</p> <p>11 commands listed in Exhibit 431 where you know the</p> <p>12 creative thought process that the originator went</p> <p>13 through when coming up with the command syntax for</p> <p>14 the command associated with him or her.</p> <p>15 MR. NEUKOM: Objection. Vague. Calls for</p> <p>16 a legal conclusion. And compound to the tune of</p> <p>17 500-plus questions embedded within, ostensibly, one</p> <p>18 question. And I incorporate by reference my</p> <p>19 standing objection to counsel's improper line of</p> <p>20 questioning about individual thought processes of</p> <p>21 third persons over the last 30 years.</p> <p>22 MR. WONG: Let me rephrase my question</p> <p>23 just to address one of counsel's objections.</p> <p>24 BY MR. WONG:</p> <p>25 Q. Can you -- Mr. Remaker, can you please</p>	<p>1 other place any of the words that are found in their</p> <p>2 command?</p> <p>3 A. I do not know that.</p> <p>4 MR. NEUKOM: I should also -- pardon me,</p> <p>5 Ryan, just to make sure I'm being complete, I'm</p> <p>6 going to lodge a standing objection to any and all</p> <p>7 questions on the topic of copying and third party</p> <p>8 mindsets as being beyond the scope of the noticed</p> <p>9 topics and/or beyond the scope of any reasonable</p> <p>10 preparation in response to those topics.</p> <p>11 MR. WONG: I disagree on the --</p> <p>12 MR. NEUKOM: I don't expect you to agree.</p> <p>13 I'm just making an objection for the record.</p> <p>14 MR. WONG: That's fine. We can address</p> <p>15 that.</p> <p>16 MR. NEUKOM: Although this is going to be</p> <p>17 an interesting two-way street, because I think we</p> <p>18 have a pretty similar topic, and we will see if</p> <p>19 Arista actually considered putting an individual</p> <p>20 corporate rep up to talk about individual thought</p> <p>21 processes for the 500-plus copied expressions. So</p> <p>22 if you all want to set the standard down in a</p> <p>23 deposition, we'll see -- we'll see what the traffic</p> <p>24 looks like going the other direction on that same</p> <p>25 road.</p>
<p>1 look through Exhibit 431 and tell me if there are</p> <p>2 any commands listed in that exhibit where you know</p> <p>3 the thought process that the originator went through</p> <p>4 when coming up with the command associated with him</p> <p>5 or her?</p> <p>6 MR. NEUKOM: Same objections.</p> <p>7 THE WITNESS: I don't think I can speak to</p> <p>8 a third party's thought process.</p> <p>9 BY MR. WONG:</p> <p>10 Q. You would have to speak to the third</p> <p>11 party, correct?</p> <p>12 MR. NEUKOM: Objection. Calls for</p> <p>13 speculation.</p> <p>14 THE WITNESS: You could certainly ask the</p> <p>15 author -- I'm sorry. You can certainly ask the</p> <p>16 originator of the command their thought process.</p> <p>17 BY MR. WONG:</p> <p>18 Q. Did you do that for any of the commands</p> <p>19 listed in Exhibit 431, setting aside the command</p> <p>20 that you are associated with, Mr. Remaker?</p> <p>21 A. I did not.</p> <p>22 Q. Setting aside your command, the "show</p> <p>23 inventory" command, Mr. Remaker, do you know one way</p> <p>24 or the other whether the authors of any of the other</p> <p>25 commands listed in Exhibit 431 copied from some</p>	<p>1 MR. WONG: That's days ahead of us, so we</p> <p>2 can address that later without wasting the witness's</p> <p>3 time here.</p> <p>4 MR. NEUKOM: Well, we are wasting the</p> <p>5 witness's time here.</p> <p>6 MR. WONG: I disagree. But setting that</p> <p>7 aside.</p> <p>8 BY MR. WONG:</p> <p>9 Q. Mr. Remaker, the commands listed in</p> <p>10 Exhibit 431, do they all appear in the same Cisco</p> <p>11 operating system?</p> <p>12 MR. NEUKOM: Objection. Vague. Compound.</p> <p>13 And the document speaks for itself.</p> <p>14 THE WITNESS: The document indicates which</p> <p>15 operating system each command appears in.</p> <p>16 BY MR. WONG:</p> <p>17 Q. I'm sorry. And you're talking about</p> <p>18 Exhibit 431, correct?</p> <p>19 A. It indicates at least one operating system</p> <p>20 that includes the command.</p> <p>21 Q. Okay. So for example, looking at the</p> <p>22 first two commands listed in Exhibit 431, the first</p> <p>23 operating system that the "aaa accounting dot1x"</p> <p>24 command appears in is Cisco IOS 12.4 (11)T, correct?</p> <p>25 A. Did you say "aaa accounting"? That would</p>


<p>1 be Cisco IOS 10.3, actually.</p> <p>2 Q. I'm sorry, I said "aaa accounting dot1x."</p> <p>3 A. I'm sorry, dot1x, yes. Cisco IOS 12.4</p> <p>4 11 -- 12.4 (11)T.</p> <p>5 Q. And the "aaa accounting" command, without</p> <p>6 the dot1x first appeared in Cisco IOS 10.3, correct?</p> <p>7 A. Correct.</p> <p>8 Q. So assuming this information is correct,</p> <p>9 the Cisco IOS 10.3 operating system did not support</p> <p>10 the "aaa accounting dot1x" command, correct?</p> <p>11 A. That's what I conclude from this document.</p> <p>12 Q. And do you have any reason to doubt that?</p> <p>13 A. I do not have any reason to doubt that.</p> <p>14 Q. Does it surprise you -- would it surprise</p> <p>15 you if the commands listed in Exhibit 431 are</p> <p>16 supported by different operating systems?</p> <p>17 MR. NEUKOM: Objection. Calls for</p> <p>18 speculation. And well beyond the scope of any</p> <p>19 noticed topic for this witness.</p> <p>20 THE WITNESS: I don't have any opinion on</p> <p>21 that topic.</p> <p>22 BY MR. WONG:</p> <p>23 Q. Are the command sets for Cisco IOS and</p> <p>24 Cisco IOS XR the same?</p> <p>25 MR. NEUKOM: Objection. Vague. Compound.</p> <p>Page 138</p>	<p>1 A. This is the current version of the</p> <p>2 Parser-Police Manifesto.</p> <p>3 Q. Okay. At the bottom of the first page of</p> <p>4 Exhibit 438, there is a heading called "Submission."</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. And the last bullet point that appears on</p> <p>8 the first page of Exhibit 438 starts with the text</p> <p>9 "Use the following language when describing syntax."</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And below that it says "Text and</p> <p>13 keyword literals."</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. What does it mean -- strike that.</p> <p>17 What are keyword literals in a CLI</p> <p>18 command?</p> <p>19 MR. NEUKOM: Which page are we on?</p> <p>20 MR. WONG: We are on the very bottom of</p> <p>21 the first page of Exhibit 438.</p> <p>22 MR. NEUKOM: Okay.</p> <p>23 THE WITNESS: Yes, so page 1, that is</p> <p>24 actually, that line at the bottom of page 1 is the</p> <p>25 header to a table which continues onto page 2. This</p> <p>Page 140</p>
<p>1 And goes beyond the scope of any topic for which</p> <p>2 this witness has been presented today.</p> <p>3 THE WITNESS: There are differences</p> <p>4 between IOS and IOS XR.</p> <p>5 BY MR. WONG:</p> <p>6 Q. Are there also differences between IOS and</p> <p>7 NX-OS?</p> <p>8 MR. NEUKOM: Same objection. Vague.</p> <p>9 Compound. And not related to any topic for which</p> <p>10 this witness has been presented today.</p> <p>11 BY MR. WONG:</p> <p>12 Q. I'm talking specifically with respect to</p> <p>13 the CLI command set. Are there differences between</p> <p>14 the commands supported by Cisco IOS and Cisco IOS</p> <p>15 XR?</p> <p>16 MR. NEUKOM: Same objections.</p> <p>17 THE WITNESS: There may be differences</p> <p>18 between the IOS and NX-OS commands.</p> <p>19 MR. WONG: You can set that document</p> <p>20 aside.</p> <p>21 BY MR. WONG:</p> <p>22 Q. Can you find Exhibit 438, please.</p> <p>23 A. I have Exhibit 438 in front of me.</p> <p>24 Q. Okay. And this is the current version of</p> <p>25 the Parser-Police Manifesto, correct?</p> <p>Page 139</p>	<p>1 is actually a table saying how to use a</p> <p>2 representative language to represent literal</p> <p>3 information being entered into the parser.</p> <p>4 BY MR. WONG:</p> <p>5 Q. I see. So the text and keyword literals</p> <p>6 are headings of the table?</p> <p>7 A. That's correct. Those are supposed to</p> <p>8 serve as headings for the following table.</p> <p>9 Q. And the following table below that, can</p> <p>10 you explain to me, please, what that -- what</p> <p>11 information is being conveyed there? And this is on</p> <p>12 page now 2 of Exhibit 438.</p> <p>13 A. Right. So this is the submission section</p> <p>14 of the Parser-Police Manifesto, which is giving</p> <p>15 guidelines of how to submit your proposed commands</p> <p>16 to the Parser Police alias.</p> <p>17 What they are saying is, when you are</p> <p>18 writing the command, you should use the elemental</p> <p>19 style in the left-hand column to represent the</p> <p>20 literal values expounded in the right column.</p> <p>21 Q. Okay. So for example, for the</p> <p>22 "aaa accounting" command, which is the first command</p> <p>23 listed on Exhibit 431, how would the two words "aaa"</p> <p>24 and "accounting" be represented in this syntax?</p> <p>25 MR. NEUKOM: Objection. Beyond the scope</p> <p>Page 141</p>

<p>1 of any topic for which this witness has been 2 designated today. 3 THE WITNESS: It is my understanding that 4 these would be arguments included in the parser 5 command, not the actual parser command itself. 6 BY MR. WONG: 7 Q. And when you say "these," what are you 8 referring to as these? 9 A. These -- the text elements in the 10 left-hand column. 11 Q. Okay. So just for clarity, the text that 12 appears in this table that starts at the very bottom 13 of page 1 of Exhibit 438 and continues onto the top 14 of page 2 are for the arguments of the CLI command; 15 is that correct? 16 A. That is correct. 17 Q. What does Cisco call the portion of the 18 command that is not the argument? 19 MR. NEUKOM: Objection. Beyond the scope 20 of the designated topics. 21 THE WITNESS: I don't know that there is a 22 formal universal name for the text of the command 23 expression other than "command expression." 24 BY MR. WONG: 25 Q. Is it your understanding that the commands</p> <p style="text-align: right;">Page 142</p>	<p>1 is listed as a separate command than "aaa 2 authorization console" on the first page of 3 Exhibit 431. 4 Are those two commands I just recited two 5 different commands? 6 A. Those are two different commands. 7 Q. So if a command has a set of different 8 optional parameters, each combination of those 9 parameters with, I guess, the base command words 10 would be a different command? 11 MR. NEUKOM: Objection. Vague. Compound. 12 Asks for opinion testimony. And unrelated to any 13 topic for which this witness is here today. 14 THE WITNESS: Can you repeat the question? 15 BY MR. WONG: 16 Q. Sure. Are there Cisco CLI commands where 17 you can specify or select from two or more optional 18 arguments? 19 MR. NEUKOM: Objection. Vague. Compound. 20 And unrelated to any topic for which this witness is 21 here to testify today as a corporate representative. 22 THE WITNESS: I'm sorry. The question 23 doesn't make sense to me. 24 BY MR. WONG: 25 Q. So if you look to page 2 of Exhibit 438.</p> <p style="text-align: right;">Page 144</p>
<p>1 listed in Exhibit 431 are not or do not contain 2 arguments? 3 A. Exhibit 421, I'm sorry. 4 Q. 431. 5 A. 431. Sorry. 6 Q. So my question is: Is it your 7 understanding that the commands listed in 8 Exhibit 431 do not contain arguments? 9 A. It is possible that the command 10 expressions in Exhibit 431 contain arguments. 11 Q. So, for example -- so regardless of how 12 the syntax of these commands is denoted using the 13 syntax shown in Exhibit 438, the command expressions 14 listed in Exhibit 431 could contain arguments; is 15 that correct? 16 MR. NEUKOM: Objection. Vague. Compound. 17 Hypothetical. And beyond the scope of any of the 18 topics for which this witness is here to talk about 19 today. 20 THE WITNESS: It is possible that the 21 command expressions in Exhibit 431 contain 22 arguments. 23 BY MR. WONG: 24 Q. And I'm just trying to understand why 25 something like "aaa authorization config-commands"</p> <p style="text-align: right;">Page 143</p>	<p>1 A. Yes. 2 Q. There is one section that has curly 3 brackets. 4 Do you see that at the top? 5 A. Yes. 6 Q. And within the curly brackets, there is a 7 "text1" and then a dividing line and then a "text2." 8 Do you see that? 9 A. Yes. 10 Q. So if that -- if that syntax follows a 11 command, does that mean that you can say -- you can 12 say the command and then "text1" and hit enter and 13 that will be accepted as a valid CLI command? 14 A. The literal information that takes the 15 place of the variable "text1," is that what you 16 mean? 17 Q. Yes. 18 A. So can you repeat the question, knowing 19 that. 20 Q. Sure. Well, maybe I'll do it this way. 21 Can you explain to me how that mandatory 22 choice syntax actually works in practice when you 23 enter in commands to a CLI? 24 A. When a command -- 25 MR. NEUKOM: Objection. Pardon me.</p> <p style="text-align: right;">Page 145</p>

<p>1 Compound. And beyond the scope of any topic for</p> <p>2 which this witness is here to testify about.</p> <p>3 THE WITNESS: When a command has a</p> <p>4 mandatory choice or mandatory argument, the command</p> <p>5 cannot be executed unless the mandatory argument is</p> <p>6 provided along with the command.</p> <p>7 BY MR. WONG:</p> <p>8 Q. And in this case here, for the example</p> <p>9 shown on page 2 of Exhibit 438, you would have to</p> <p>10 type in either "text1" or "text2," correct?</p> <p>11 A. That is correct. The vertical bar is a</p> <p>12 logical or --</p> <p>13 Q. Looking back at Exhibit 431, Mr. Remaker,</p> <p>14 do any of the commands shown on the first page</p> <p>15 support a "no" command prefix?</p> <p>16 MR. NEUKOM: Objection. Compound. Also</p> <p>17 goes beyond the scope of any topic for which this</p> <p>18 witness is here to testify today.</p> <p>19 THE WITNESS: I can say, for example, that</p> <p>20 from my personal experience I know that</p> <p>21 "aaa accounting" will accept the "no" command to</p> <p>22 turn off "aaa accounting".</p> <p>23 BY MR. WONG:</p> <p>24 Q. Okay. And the "no" command is used to</p> <p>25 disable the functionality that's associated with the</p> <p style="text-align: right;">Page 146</p>	<p>1 knowledge of competitors of Cisco using Cisco-like</p> <p>2 CLIs?</p> <p>3 MR. NEUKOM: Objection. Misstates the</p> <p>4 question or mischaracterizes the questions asked of</p> <p>5 the witness yesterday.</p> <p>6 THE WITNESS: There may have been a</p> <p>7 question asked to me about Cisco CLI.</p> <p>8 BY MR. WONG:</p> <p>9 Q. Do you know either way whether any of the</p> <p>10 authors listed in Exhibit 431 looked at non-Cisco</p> <p>11 CLIs when coming up with the command syntax</p> <p>12 associated with them in Exhibit 31?</p> <p>13 MR. NEUKOM: Objection. Vague and</p> <p>14 compound.</p> <p>15 THE WITNESS: Can you repeat the question?</p> <p>16 BY MR. WONG:</p> <p>17 Q. Sure. Do you know if any of the</p> <p>18 originators identified in Exhibit 431 looked at</p> <p>19 third party CLIs when coming up with the commands</p> <p>20 that are associated with them in Exhibit 431?</p> <p>21 MR. NEUKOM: Same objections.</p> <p>22 THE WITNESS: I don't know.</p> <p>23 BY MR. WONG:</p> <p>24 Q. Do you know whether any of the originators</p> <p>25 listed in Exhibit 431 copied words from industry</p> <p style="text-align: right;">Page 148</p>
<p>1 non-"no" version of the command?</p> <p>2 A. Yes.</p> <p>3 Q. So the "no" command version of a command</p> <p>4 is a different command, correct?</p> <p>5 MR. NEUKOM: Objection. Compound. Calls</p> <p>6 for opinion testimony. And it's also, again, beyond</p> <p>7 the scope of any topic for which this witness is</p> <p>8 here today to testify.</p> <p>9 THE WITNESS: It would depend on what your</p> <p>10 definition of the command is.</p> <p>11 BY MR. WONG:</p> <p>12 Q. Do you know what definition of command was</p> <p>13 used to create the list of commands shown in</p> <p>14 Exhibit 431?</p> <p>15 A. No.</p> <p>16 Q. Mr. Remaker, you testified at your</p> <p>17 personal deposition that you were aware of some</p> <p>18 competitors of Cisco that used Cisco-like CLIs.</p> <p>19 Do you remember that testimony?</p> <p>20 MR. NEUKOM: Objection. Misstates the</p> <p>21 witness's testimony from yesterday.</p> <p>22 THE WITNESS: Can you repeat the question?</p> <p>23 BY MR. WONG:</p> <p>24 Q. Mr. Remaker, do you remember a question</p> <p>25 during your personal deposition regarding your</p> <p style="text-align: right;">Page 147</p>	<p>1 standard documents when they came up with the</p> <p>2 commands associated with them in Exhibit 431?</p> <p>3 MR. NEUKOM: Objection. Vague in numerous</p> <p>4 respects. Compound. And I'll refer back to my</p> <p>5 standing objection about the reasonableness or lack</p> <p>6 thereof of this line or brand of questions to this</p> <p>7 witness.</p> <p>8 THE WITNESS: I don't know.</p> <p>9 MR. NEUKOM: I take it your prior question</p> <p>10 was intended to exclude the "show inventory" command</p> <p>11 for which Mr. Remaker is -- I think in prior</p> <p>12 versions of Mr. Wong's questions he was excepting</p> <p>13 you from that.</p> <p>14 Q. Do you want to clarify your response,</p> <p>15 Mr. Remaker, to my question?</p> <p>16 A. Which?</p> <p>17 Q. My last question that I asked.</p> <p>18 A. Can you repeat that question?</p> <p>19 Q. Sure. Do you know one way or the other</p> <p>20 whether any of the originators identified in</p> <p>21 Exhibit 431 copied words from industry standards</p> <p>22 when they came up with the commands associated with</p> <p>23 them in Exhibit 431?</p> <p>24 A. I can't speak for third parties, but for</p> <p>25 my own command, I did not incorporate or copy any</p> <p style="text-align: right;">Page 149</p>

<p>1 words from third party standards. 2 Q. Do you know one way or the other whether 3 any of the originators listed in Exhibit 431 simply 4 copied existing command syntax that was present in 5 the Cisco CLI, when they came up with the commands 6 associated with them in Exhibit 431? 7 MR. NEUKOM: Objection. Vague. Compound. 8 An unreasonable question on its face. 9 THE WITNESS: You're asking whether Cisco 10 copied from Cisco? 11 BY MR. WONG: 12 Q. That's right. 13 A. Cisco strives to have a consistent user 14 interface among its systems with CLIs. 15 Q. So does that mean that Cisco encourages 16 its engineers to copy existing command syntaxes that 17 are already present in the Cisco CLI? 18 MR. NEUKOM: Objection. Vague and 19 compound. 20 THE WITNESS: "Copy" is not the word I 21 would use to characterize it. 22 BY MR. WONG: 23 Q. What word would you use to characterize 24 the reusing of existing Cisco CLI syntax in new 25 Cisco CLI commands?</p> <p style="text-align: right;">Page 150</p>	<p>1 Q. Can you please read that into the record, 2 that sentence. 3 A. "Most of these commands are copies of the 4 corresponding ospfv2 commands." 5 Q. Do you have any understanding of what that 6 sentence means? 7 A. I presume that it means that the commands 8 for ospv3 are consistent with the commands in 9 ospfv2. 10 Q. And you -- I mean, is that a best practice 11 followed by Cisco engineers, to reuse existing CLI 12 syntax in this fashion? 13 A. Each individual engineer would have to 14 exercise their own judgment as to what would be 15 appropriate for a given situation. 16 Q. Do you agree that commands for ospfv3 17 should be consistent with the corresponding ospfv2 18 commands? 19 MR. NEUKOM: Objection. The question on 20 its face is asking the witness for his personal 21 opinion. Also, again, we're far afield of a noticed 22 topic for which this witness has returned for a 23 second day of testimony. 24 MR. WONG: This document is ID'd as -- one 25 of these documents is actually in the folders that</p> <p style="text-align: right;">Page 152</p>
<p>1 A. I would describe that as product 2 consistency. 3 (Exhibit 445 marked for identification.) 4 BY MR. WONG: 5 Q. The court reporter has marked as 6 Exhibit 445 a document bearing control numbers 7 CSI-CLI 00608702 to 703. 8 Now, Mr. Remaker, I'll represent to you 9 that this document was one of those that was ID'd 10 within Cisco's discovery responses for some of 11 the -- some of the commands listed in Exhibit 431. 12 Please take a moment to look at the document. 13 And I guess my first question is: Do you 14 have any reason to doubt the authenticity of this 15 document that was produced by Cisco? 16 A. I have no reason to doubt the authenticity 17 of this document. 18 Q. Do you know who the sender of the e-mail 19 is? Looks like it's Ilse Van Hoec. 20 A. I do not know the sender of this document. 21 Q. In the first paragraph of this e-mail 22 marked as Exhibit 445, the last sentence starts with 23 "Most of these commands." 24 Do you see that? 25 A. Yes.</p> <p style="text-align: right;">Page 151</p>	<p>1 the witness brought today. 2 MR. NEUKOM: That's right. And what you 3 just asked him was whether he, sitting here in 2016, 4 would like to give his personal view on whether 5 Mr. Remaker agrees with your interpretation of a 6 sentence that an engineer named Ilse Van Hoec wrote 7 apparently 14 years ago. 8 MR. WONG: Let me rephrase -- 9 MR. NEUKOM: That is far, far afield of 10 the noticed topics for this witness. It's also a 11 patently unfair and downright strange question. 12 BY MR. WONG: 13 Q. Let me rephrase the question, Mr. Remaker. 14 Is it Cisco's best practice for commands 15 for ospfv3 to be consistent with existing CLI 16 commands for ospfv2? 17 MR. NEUKOM: Objection. Vague and 18 compound. 19 THE WITNESS: Cisco trusts the judgment of 20 the individual engineers doing the design. 21 BY MR. WONG: 22 Q. So Cisco has no view one way or the other 23 whether ospfv3 commands should be consistent with 24 ospfv2 commands? 25 MR. NEUKOM: Objection. Asked and</p> <p style="text-align: right;">Page 153</p>

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<p>1 estimate for us the number of documents -- the 2 number of historical Cisco documents you reviewed to 3 prepare yourself to testify today as a corporate 4 representative? 5 A. Easily 60 to 100 documents. 6 Q. And can you describe by category what 7 sorts of documents you reviewed to prepare yourself 8 to come testify today about the historical 9 origination of Cisco command line expressions? 10 A. Individual command specifications written 11 by engineers, source code, some e-mails, some 12 internal web pages, and the deposition of Kirk 13 Loughheed. 14 Q. Do you believe there is anybody within 15 Cisco who knows more about the historical creation 16 of the 500-plus command line expressions identified 17 in Exhibit 431, other than you? 18 A. No. 19 MR. NEUKOM: Thanks very much. 20 MR. WONG: Thank you. 21 THE VIDEOGRAPHER: This concludes today's 22 videotaped deposition of Cisco Systems, Inc. 23 pursuant to Rule 30(b)(6). 24 We're off the record at 4:14 p.m. 25 (TIME NOTED: 4:14 p.m.)</p> <p style="text-align: right;">Page 214</p>	<p>1 REPORTER'S CERTIFICATION 2 3 I, Leslie Johnson, a Certified Shorthand 4 Reporter of the State of California, do hereby certify: 5 That the foregoing proceedings were taken 6 before me at the time and place herein set forth; that 7 any witnesses in the foregoing proceedings, prior to 8 testifying, were administered an oath; that a record of 9 the proceedings was made by me using machine shorthand 10 which was thereafter transcribed under my direction; 11 that the foregoing transcript is a true record of the 12 testimony given. 13 Further, that if the foregoing pertains to 14 the original transcript of a deposition in a Federal 15 Case, before completion of the proceedings, review 16 of the transcript [] was [] was not requested. 17 I further certify I am neither financially interested in 18 the action nor a relative or employee of any attorney or 19 any party to this action. 20 IN WITNESS WHEREOF, I have this date 21 subscribed my name. 22 Dated: April 15, 2016 23 24  25 LESLIE JOHNSON CSR No. 11451, RPR, CCRR</p> <p style="text-align: right;">Page 216</p>
<p>1 DECLARATION UNDER PENALTY OF PERJURY 2 3 I, PHILLIP REMAKER, the witness herein, 4 declare under penalty of perjury that I have read the 5 foregoing in its entirety; and that the testimony 6 contained therein, as corrected by me, is a true and 7 accurate transcription of my testimony elicited at said 8 time and place. 9 10 Executed this _____ day of _____ 2016, at 11 _____. 12 (City) (State) 13 14 15 16 17 18 _____ 19 PHILLIP REMAKER 20 21 22 23 24 25</p> <p style="text-align: right;">Page 215</p>	